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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,573	03/18/2004	Roy Victor Bladen	ENGDI21757	7077
26389	7590	03/14/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			GARCIA, ERNESTO	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,573

Applicant(s)

BLADEN, ROY VICTOR

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006 and 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 9, 18, 26 and 32-89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 19-25 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/18/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election of Species and Restriction

Claims 9, 18, 26, and 32-89 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/13/2006.

Regarding the withdrawal of claims 9 and 26, one of the locking members, or either the engagement member or the protrusion do not include a distension; and the other of the locking members does not include a detent in the elected species.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cooperatively shaped alignment device 12 disposed on the building element 30 (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" (Fig. 1) and "310" (Fig. 3) have both been used to designate the same cam portion.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "30" (Figures 1 and 2) and "330" (Fig. 3) have both been used to designate the same building element.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4" (Figures 1 and 2) and "304" (Figure 3) have both been used to designate same threaded female portion.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "81" (Figure 10), "90" and "91" (Figure 11) have both been used to designate the same internally threaded cam portion.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate a cam portion with a first configuration (Figs. 1 and 2), a cam portion with a second configuration (Figs. 4 and 5), a cam portion with a third configuration (Fig. 6), and a cam portion with a fourth configuration (Figures 7 and 8).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both an engaging portion with a first configuration (Figures 1 and 2) and an engaging portion with a second configuration (Figure 7).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate a building element with U-shaped screw pipes 31 (Figure 1), a building element with barbs 37 (Figure 4), and a building element without screw pipes or barbs.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "15" has been used to designate flanges with a first configuration (Figure 1), flanges with a second configuration (Figures 4 and 5), and flanges with a third configuration (Figures 7 and 8).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "214" has been used to designate both a short aperture (Fig. 1) and a long aperture (Fig. 1).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "36" has been used to designate both a washer seal with a first configuration (Figure 1) and a washer seal with a second configuration (Figure 4).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate both a locating pin (Figure 1) and a fastener (Figure 7).

The drawings are objected to because the arrow in the left side reference character 15 in Figure 1 should be a lead line pointing to the feature as shown in the right side reference character 15. Further, reference character 13 in Figures 1 and 12 is not pointing to a surface as the disclosure portrays. Reference character 13 appears to point to a structure. Note that the cross-hatching of the building element in Figures 2 and 3 is not complete, in particular the interior thin wall as shown in Figure 1 is not cross-hatched. The hidden lines to represent feature 15 in Figure 8 needs to be deleted. See 37 CFR 1.84(n). Further, the cam portion in Figure 8 does not appear to be the same cam portion in Figure 7 or vice versa (see description of the figures). Note that Figure 7 is missing the plate 230 and the flanges 15 do not correspond. The bracket in reference 58 is not permitted. See 37 CFR 1.84(p)(1).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing

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figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because language should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes", "The invention focuses on", etc. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1, 2, and 31 are objected to because of the following informalities:
regarding claim 1, "one of" in line 3 should be deleted as "or" is used in the alternative; and,

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regarding claims 2 and 31, "bayonet-type" in line 2 should be --bayonet--.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 10-17, 19-25, and 27-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claims unclear. The preamble clearly indicated that the quick connect assembly is "for connecting a building element to a surface". However, the body of the claim positively recites "the building element and the surface", e.g., "a first locking member coupled to a building element or a surface" (lines 3-4), "a second locking member coupled to the other of the building element or the surface (lines 6-7), which indicates that the claims are being drawn to a combination of the "quick connect assembly" and both "the building element and the surface". Accordingly, is the combination or subcombination

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being claimed? Appropriate correction, clarification, or both is required. For purposes of examination, the examiner has considered the quick connect assembly alone.

Regarding claim 7, the recitation “configured so that at least a portion of the second locking member may be positioned within the first passageway of the first locking member” in lines 2-3 makes unclear what configuration of the second locking member is required to allow the second locking member so that at least a portion of the second locking member may be positioned within the first passageway of the first locking member.

Regarding claim 14, the recitation “the second fitting is coupled to the plumbing” in lines 2-3 indicates that the second fitting is positively claimed; however, none of the previous claim from which claim 14 depend positively recite the second fitting. Claim 13 merely states the purpose of the first fitting to be adapted to couple in fluid communication to a second fitting. The language in claim 13 does not state the second fitting is claimed. For purposes of examination the examiner has considered the second fitting positively claimed.

Regarding claim 20, there is an inconsistency between the language in the preamble and a certain portion in the body of the claim, thereby making the scope of the claims unclear. The preamble clearly indicated that the quick connect assembly is “for connecting a building element to a surface”. However, the body of the claim positively

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recites "the building element and the surface", e.g., "an interference member coupled to the building element or the surface" (lines 4-5), "a receiving member coupled to the other of the building element or the surface (lines 6-7), which indicates that the claims are being drawn to a combination of the "quick connect assembly" and both "the building element and the surface". Accordingly, is the combination or subcombination being claimed? Appropriate correction, clarification, or both is required. For purposes of examination, the examiner has considered the quick connect assembly alone.

Regarding claims 2-8, 10-17, and 19, the claims depend from claim 1 and therefore are indefinite.

Regarding claims 21-25 and 27-31, the claims depend from claim 20 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11-15, 20-25, and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Rice, 1,329,141.

Regarding claim 1, Rice discloses, in Figure 3 and 5-7, a quick connect assembly comprising a first locking member **2** and a second locking member **8**. The first locking member **2** has a first passageway **4** extending through the first locking member **2**. The second locking member **8** has a second passageway (see Figure 3, the hole is unreferenced) extending through the second locking member **8**. The first locking member **2** and the second locking member **8** have co-operative cam locking elements **5,9**.

Regarding claim 2, the first locking member **2** and the second locking member **8** are adapted to reversibly couple to one another through a bayonet action.

Regarding claim 3, applicant should note that the first passageway and the second passageway are substantially aligned with one another when the first locking member and the second locking member are reversibly coupled to one another.

Regarding claim 4, the first locking member **2** includes a recess **6**.

Regarding claim 5, the first locking member **2** has an annular shaped body **3** (Fig. 1) disposed about the first passageway **4**.

Regarding claim 6, the co-operative cam locking member elements include a protrusion **5** extending from the annular shaped body **3** and a cooperatively shaped structure **9** disposed on the second locking member **8**. Applicant should note that the protrusion and the cooperatively shaped structure **9** are able to engage with one another to reversibly couple the first locking member and the second locking member.

Regarding claim 7, the second locking member **8** is sized so that at least a portion of the second locking member may be positioned within the first passageway of the first locking member **2**.

Regarding claim 8, the co-operative cam locking elements include a protrusion **9** disposed on the second locking member **8** and a cooperatively shaped structure **5** disposed on the first locking member **2**. The cooperatively shaped structure of the first locking member **2** overlaps the protrusion of the second locking member **8**.

Regarding claim 11, the first locking member **2** and the second locking member **8** are rotated less than 360 degrees during the reversible coupling of the locking members. Applicant is reminded that it is the patentability of the product, not a recited process step, that is to be determined irrespective of whether only process steps are recited. See MPEP 2113.

Regarding claim 12, the cooperative cam locking elements **5,9** include a cam disposed on the first locking member and the second locking member. Applicant should note that when the locking members are reversibly coupled to one another, the cam of the first locking member is sandwiched between the cam of the second locking member and a surface.

Regarding claim 13, the quick connect assembly further includes plumbing **17**. The plumbing passes through the first passageway and the second passageway. The plumbing includes a first fitting **12**. Applicant is reminded that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Therefore, the first fitting can be adapted to coupled in fluid communication to a second fitting.

Regarding claim 14, the quick connect assembly further discloses, in combination, a second fitting **19**. The first fitting **12** is coupled to the plumbing **17**. The second fitting is coupled to the plumbing (via the barrel **11** and the first fitting **12**).

Regarding claim 15, the first fitting **12** is stationary relative to the second locking member **8** and the second fitting **19** is able to move relative to the first fitting **12** such that the second fitting **19** may be longitudinally displaced from the first fitting.

Regarding claim 19, the first passageway and the second passageway and at least one of the locking members are hidden from view from a user (see Figure 8).

Regarding claim 20, Rice discloses, in Figure 3 and 5-7, a quick connect assembly comprising an interference member 8 and a receiving member 2. The interference member 8 has a protrusion 9. The receiving member 2 has an engagement member 5.

Regarding claim 21, the interference member 8 includes a recess (note washer 13 is in the recess).

Regarding claim 22, the interference member 8 has an annular shaped body forming an open inner portion.

Regarding claim 23, the protrusion 9 extends inward from the annular shaped body into the open inner portion.

Regarding claim 24, the receiving member 2 may be at least partially positioned within the open inner portion.

Regarding claim 25, the engagement member **5** extends outward from the receiving member **2**. The protrusion **9** and the engagement member **5** overlap one another.

Regarding claim 28, a predetermined angular displacement is less than 360 degrees.

Regarding claim 29, the receiving member **2** includes a passageway (note the components **7** pass through this passageway).

Regarding claim 30, when the interference member **8** is in a locked position, the protrusion is sandwiched between the engagement member and a building element **16**.

Regarding claim 31, the receiving member **2** is transitioned between a first position and a locked position by a bayonet action.

Claims 1, 10, 20, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by the European patent, EP-967425 A1.

Regarding claim 1, the European patent discloses, in Figure 6, a quick connect assembly comprising a first locking member **2** and a second locking member **20**. The first locking member **2** has a first passageway (note that the components **7** pass

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through this passageway) extending through the first locking member **2**. The second locking member **20** has a second passageway **30** extending through the second locking member **20**. The first locking member **2** and the second locking member **20** have co-operative cam locking elements **17,21**.

Regarding claim 10, one of the locking members **2** includes an alignment mechanism **35** interfacing with a cooperatively shaped alignment device **31**.

Regarding claim 20, the European patent discloses, in Figure 6, a quick connect assembly comprising an interference member **20** and a receiving member **2**. The interference member **20** has a protrusion **9**. The receiving member **2** has an engagement member **17**.

Regarding claim 27, the interference member **20** or the receiving member **2** includes an alignment mechanism **35** interfacing with a cooperatively shaped alignment device **31**.

Claims 1 and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Anthon, 3,197,241.

Regarding claim 1, Anthon discloses, in Figure 1, a quick connect assembly comprising a first locking member **36** and a second locking member **50**. The first

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locking member **36** has a first passageway **49** extending through the first locking member **36**. The second locking member **50** coupled to the other of the building element or the surface. The second locking member **50** has a second passageway extending through the second locking member **50**. The first locking member **36** and the second locking member **50** have co-operative cam locking elements **37,51**.

Regarding claim 13, the quick connect assembly further includes plumbing **13,47**. The plumbing **13,47** passes through the first passageway **49** and the second passageway. The plumbing **13,47** includes a first fitting **34**.

Regarding claim 14, the quick connect assembly further discloses, in combination, a second fitting **68**. The first fitting **34** is coupled to the plumbing **13,47**. The second fitting **68** is coupled to the plumbing **13,47**.

Regarding claim 15, the first fitting **34** is stationary relative to the second locking member **50** and the second fitting **68** is able to move relative to the first fitting **34** such that the second fitting **68** may be longitudinally displaced from the first fitting **34**.

Regarding claim 16, the second fitting **68** is coupled to an extendable section of the plumbing **13,47**. A stationary end of the extendable section is stationary relative to a building element and a movable end of the extendable section of the plumbing **13,47**

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is coupled to the second fitting **68** such that the second fitting **68** may be selectively displaced from the stationary end of the extendable section.

Regarding claim 17, the first fitting **34** is coupled to the second locking member **50**.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cowles, 2,265,267, and Berney et al., 1,523,928, show a similar quick connect assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E-G.

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March 8, 2006

Daniel P Stodola

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